

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1. (Cancelled)
2. (Currently Amended) The ~~system~~method of ~~claim 1~~ claim 21, wherein the server includes an application server.
3. (Currently Amended) The ~~system~~method of ~~claim 1~~ claim 21, wherein the network is one of a wireless network, a wireline network, the Internet, and an intranet.
4. (Currently Amended) The ~~system~~method of ~~claim 1~~ claim 21, wherein the device includes one of a personal computer and a handheld computing device.

Claims 5-7 (Cancelled)

8. (Currently Amended) The ~~system~~method of ~~claim 5~~ claim 21, wherein the modem includes a display area that is configured to display an indication of the throughput of the network.
9. (Currently Amended) The ~~system~~method of ~~claim 1~~ claim 21, wherein the server is in communication with a service center.
10. (Currently Amended) The ~~system~~method of ~~claim 5~~ claim 21, wherein the modem is one of a wireless modem and a landline modem.

Claims 11-17 (Cancelled)

18. (Currently Amended) The method of ~~claim 11~~ claim 21, wherein ~~calculating~~ estimating the network throughput includes calculating a forward link relative throughput.

19. (Currently Amended) The method of ~~claim 11~~ claim 21, wherein ~~calculating~~ estimating the network throughput includes calculating the network throughput as one of a numerical value and a range of numerical values.

20. (Cancelled)

21. (Currently Amended) A method of communicating a relative throughput to a user of a device, comprising ~~the steps of~~:

- measuring at least one parameter associated with Received Signal Strength (RSS) local to an environment of a modem;

- using out of band signaling from said modem to a network to determine at least one other parameter associated with a primary serving site, a sector and a carrier associated with communications between said modem and said network;

- sending said at least one parameter, said primary serving site, said sector, and said carrier, from said modem through said network to a server;

- querying, from said server, a service measurement database;

- obtaining, from said service measurement database, data relating to a performance of said network, wherein said data relating to the performance of said network contains information associated with at least one of voice traffic/sector/carrier, dropped calls and origination failures;

- estimating throughput of said network by said server based on said parameters and said data, wherein said throughput indicates relative throughput of said network to said modem;

- transmitting said estimated throughput to said modem via said network; and

displaying said estimated throughput on said modem.

22. (Currently Amended) The method of claim 21, wherein ~~said step of sending said at least one parameter is sent as~~ includes sending at least one of an SMS message or a MMS message; message.

23. (Cancelled)

24. (Currently Amended) The method of ~~claim 11~~ claim 21, wherein ~~said step of receiving a first~~ measuring at least one parameter includes ~~a step of receiving~~ measuring a signal-to-interference ratio (SIR).

Claims 25-29 (Cancelled)

30. (Currently Amended) The ~~system~~ method of claim 8, wherein said display area includes three lights, wherein one of said three lights is capable of displaying the color red, one of said three lights is capable of displaying the color yellow and one of said three lights is capable of displaying the color green.

31. (Currently Amended) The ~~system~~ method of claim 30, wherein said light displaying the color red indicates low throughput.

32. (Currently Amended) The ~~system~~ method of claim 30, wherein said light displaying the color yellow indicates medium throughput.

33. (Currently Amended) The ~~system~~ method of claim 30, wherein said light displaying the color green indicates high throughput.